THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

W.P.NO.18630 OF 2006

O R D E R (Per the Hon'ble Smt. Justice T.Meena Kumari)

Heard both the counsel.

2. Aggrieved by the order dated 16.6.2006 passed by the Andhra Pradesh Administrative Tribunal at Hyderabad in O.A.No.2195/2005 in dismissing the application and thereby rejecting the claim of the petitioners for consideration of their cases for appointment to the post of Secondary Grade Teachers pursuant to their participation in the selection process of 1996 DSC and also pursuant to the orders of the Government in G.O.Rt.No.264 dated 19.4.2005, the present writ petition is filed.

3. From the material on record, it could be seen that the petitioners participated in the selection process of DSC 1996 which is meant to fill up the vacancies arose till September, 1996 and they could not come up for selection and subsequently as the vacancies increased, the Government directed to fill up vacancies up to June, 1997 from out of the candidates of DSC 1996 and the petitioners could not come up for selection in the subsequent two lists published and on the ground that the Government has not considered the B.C. candidates who are higher in merit for selection against the open category and that due to the same, they were deprived of selection, the petitioners approached the Tribunal in O.A.No.7722/2000 and when the said application was dismissed on 14.3.2002, they carried the matter in appeal before this court in W.P.No.12724/2002 and batch and this court by order dated 31.7.2003 holding that had the selection authority consolidated the vacancies in 1996 and prepared a common selection list, the result would have been different, but as number of recruitments have taken place subsequent to 1996, disinclined to interfere with the selection process, but however left it open to the Government to consider the case of the petitioners, if their grievances can be rectified by making appropriate arrangements. Pursuant to the observation of the High Court, the

Government issued G.O.Rt.No.1294 dated 9.12.2004 stating that it decided to appoint 37 B.C. candidates of DSC 1996 of Nalgonda District against 37 reserved vacancies of Secondary Grade Teacher posts with prospective effect and thereby directed the Director of School Education , A.P., Hyderabad and the District Collector to take further action in the matter and pursuant to the same, the Director of School Education forwarded the report of the District Educational Officer, Nalgonda dated 11.1.2005 stating that 3 out of 30 petitioners in the writ petitions came up for selection and consequently the Government issued G.O.Rr.No.264 dated 19.4.2005 permitting the District Educational Officer, Hyderabad to appoint the three writ petitioners in W.P.No.1274/2002 i.e., G.Seshaiah, Shaik Khasim and Ashok subject to the condition that their appoint is prospective in nature. The grievance of the petitioners is that had the consolidated selection list been prepared considering the cases of B.C. candidates who are higher in merit for selection against the open category, they would have got appointments and further even had the Government implemented the orders in G.O.Rt.No.1294 which were issued pursuant to the directions of this court in W.P.No.12724/2002, they would have got selections and therefore, their case is that the action of the respondents in issuing G.O.Rt.No.264 appointing only three candidates out of 30, is illegal and arbitrary.

4. The District Educational Officer, Nalgonda filed detailed counter affidavit and while stating the process adopted by the Government in making selection, had categorically stated that the G.O.Rt.No.264 dated 9.12.2004 were implemented as modified in G.O.Rt.No.264 dated 19.4.2005 and that the petitioners did not come in the selection zone and hence there is no provision for consideration of their cases for appointment of SGT post.

5. From the above facts and circumstances, it is to be seen that as per the case of the petitioners, they did not come up for selection in DSC 1996 even in the three lists published by the Government to fill up the vacancies that arose till February, 1997. The Division Bench of this court in W.P.No.12724/2002 though held that had the consolidated recruitment been made, the things would have been different, noticing the fact that number of recruitments have taken subsequent to 1996 DSC, was not inclined to interfere with the said process and however, gave liberty to the Government

to consider the case of the petitioners, if their grievance can be rectified by making appropriate arrangements. Therefore, the intention of the Division Bench of this Court was not to disturb the recruitment made in DSC 1996 and this order as having not been challenged, became final. Pursuant to the liberty given by this Court, the Government issued G.O.Rt.No.1294 to examine the matter and to consider the cases of 37 B.C. candidates of DSC 1996 and accordingly Committee was constituted by the Director of School Education and the Committee after verification of records relating to the eligibility, found three petitioners eligibility as they are coming within the zone of selection and by modifying the G.O.Rt.No.1294 dated 9.12.2004, G.O.Rt.No.264 Education dated 19.4.2005 was issued appointing the three candidates. Further the Director of School Education also brought to the notice of the Government with regard to the difficulties in implementing the orders of the Government, as it amount to recasting the entire list and further it would result in opening an Pandora's Box. Here it is to be noticed that it was not even the intention of the Division Bench of this court to recast the entire list, as number of recruitments have taken place subsequent to DSC 1996. Therefore, considering all these facts and circumstances, the Tribunal by cogent and convincing reasons, has dismissed the claim of the petitioners in the O.A. Even in the counter affidavit filed by the District Educational Officer, it is categorically stated that the G.O.Rt.No.264 dated 9.12.2004 were implemented as modified in G.O.Rt.No.264 dated 19.4.2005 and that the petitioners are not coming in the selection zone and hence there is no provision for consideration for appointment of SGT post.

6. For the foregoing reasons, we do not find any merit in the writ petition and the same is dismissed. No costs.

T.MEENA KUMARI,J

G.CHANDRAIAH,J

AVS
DATE:08.10.2007